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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,427	01/03/2001	Katsuhiko Taguchi	0828.65084	1173

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EXAMINER
PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/753,427	TAGUCHI ET AL.
	Examiner	Art Unit
	Prieto B	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 March 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-19* is/are rejected.

7)☒ Claim(s) *3* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

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DETAILED ACTION

1.   This communication is in response to Application No. 09/754,427 filed 03/01/01, claims 1-19 have been examined.

2.   Acknowledgement is made to applicant's claim foreign priority benefits under 35 U.S.C. § 119 on the basis of the foreign Japanese Patent Application No. 2000-091366, filed March 29, 2000. Certified copy of the priority document has been received.

3.   Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims 1,18 and 19 and any intervening claims.

Rejection under 35 U.S.C. §101

4.   Claim 18 is rejected under 35 U.S.C. § 101, which reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claim 18 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In this case, computer-related inventions whether descriptive or functionally descriptive material are non-statutory categories when claimed as descriptive material *per se* (see *Warmerdam, 33 F.3d at 1360 USPQ2d at 1759)*, falling under the "process" category (i.e. inventions at that consist of a series of steps or acts to be performed). See 35 U.S.C. 100(b) ("The term process means, art, or method, and includes a new of a known process, machine, manufacture, composition of matter or material"). Functional descriptive material: "data structures" representing descriptive material *per se* or computer program representing computer listing *per se* when embodied in a computer-readable media are still not statutory because they are not capable of causing functional change in the computer. However, claimed computer-readable medium encoded with a data structure defined structural and functional interrelationships between the data structure and the computer software and hardware component, which permit the data structure's functionality to be realized, and is thus statutory (see MPEP 2106).

Rejection under 35 U.S.C. §103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims **1-2**, and **4-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over JANIS (US 5,263,158) in view of SIEFERT (US 5,721,9060) in further view of HOBBS (US 6,523,022)

Regarding claim 1, the Janis reference teaches the following references;

file information obtaining means (44) for obtaining predetermined information from resources including file(s) also called objects (col 4/lines 36-39, 44-53, col 5/lines 46-53, col 1/lines 39-40);

right information obtaining means (44) for obtaining access or authority right level information indicating a user who can access the file (col 4/lines 44-53, col 5/lines 46-53);

index storing means (44) (profiles) for storing an data structure ("index") in which information obtained by the file information obtaining means is associated with right information obtained by the right information obtaining means (col 4/lines 44-53, col 5/lines 34-53);

inputting means (12 or 30) for accepting input entered from a user for accessing files (col 4/lines 17-25, col 6/lines 40-46, col 5/lines 64-col 6/line 2);

user specifying means (12 or 30) for specifying user identify wanting to access the files (col 1/lines 43-62); however Janis is silent with respect to performing a keyword based search nor discusses search query generation;

Siefert teaches a system/method related to information processing including keyword inputting means (microcomputers labeled PCs (Fig. 1A) running a GUI interface software (Fig. 10, and Figs. 57-58) for accepting keyword input for searching for the file (col 10/lines 48-54, col 11/lines 51-54 and col 18/lines 48-54), wherein the search uses standard keyword search (col 2/lines 42-45, col 4/lines 35-45);

inputting means (PC/GUI) for specifying user identity wanting to access files, (col 8/lines 52-60);

searching means (PC/CLS) (col 8/lines 46-51, and col 9/lines 37-38, 46-48) for searching an index of the files for an index corresponding to a search query generated (col 4/lines 43-45, col 11/lines 66-col 10/lines 2, 48-54); however the above-mentioned references are silent regarding the generation of a query request that includes user related information;

Hobbs teaches a system/method related to information processing, including generating means (207) for generating a query request which includes user information, e.g. user identification and password (col 16/lines 50-52, col 20/lines 50-63 and col 21/lines 23-26) obtained for the user (col 16/lines 33-39 and col 18/lines 33-44 and col 18/line 60-col 19/line 4, col 22/lines 36-48) including generating a query request that includes user specified information (col 23/lines 53-59)

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions by Janis of a profile (index) for searching/locating resource files where the index includes file information user information and user-file authority relations regarding the actions the user may (or not) perform on the resources to include Siefert's teachings for also accessing files using profile-indexes for locating files, where both keyword based search system for making keyword from the profile readily available to the user allowing the user to search multiple databases without having to guess the best keywords for searching. The teachings of Hobbs would also be readily apparent given the structure and general purpose of Janis to utilize Hobbs teachings, motivation would be to provide an improve over the typical query model architecture described in the Janis and Siefert reference, as pointed by Hobbs for retrieving the best fitting or most appropriate files in response to user data entry search query.

Regarding claim 2, the user specifying means specifies a user by referring to a user ID and password input when the user logs in (Hobbs: col 16/lines 50-52, col 20lines 50-63 and col 21/lines 23-26).

Regarding claim 4, updates right information on corresponding index when changes   in   said information occur (Siefert: col 3/lines 57-60, col 21/lines 30-40, col 19/lines 30-36).

Regarding claim 5, comprising procedure storing means (18) for storing procedures referred to for obtaining information from the memory where the files are stored (Janis: col 4/lines 3-28).

Regarding claim 6, the right information includes information for giving access rights to a group consisting of a plurality of users (Janis: col 4/lines 44-53).

Regarding claim 7, wherein if access rights for a file are given to a predetermined group, the index storing means stores, information for specifying all users making up the group by associating this information with a corresponding index (Janis: col 4/lines 44-53 and col 7/lines 46-col 8/line 2).

Regarding claim 8, wherein the right information includes information for giving access rights to all users (Janis: col 6/lines 47-67).

Regarding claim 9, the index storing means stores a plurality of indexes generated from a file store, being a set of files stored in one or more memories, as a group of indexes regarding the file store (Janis: col 4/lines 44-53), further wherein the searching means searches a corresponding group of indexes when information for specifying the file store is input from the keyword inputting means (Siefert: col 10/lines 48-54, col 11/lines 34-37 and col 18/lines 48-65).

Regarding claim 10, wherein when a plurality of file stores are searched, the searching means makes the sum of results obtained by searching each of the file stores objective search results (Siefert: Fig. 62 sum of search results, and col 10/lines 48-54 performed search generated search results as shown on Fig. 11).

Regarding claim 11, wherein the index storing means stores a plurality of indexes generated from a plurality of file stores as a group of indexes regarding these resource file stores (Janis: col 4/lines 44-53, 59-63), and further the searching means searches a corresponding group of indexes when information for specifying the file store is input from the keyword inputting means (Siefert: col 4/lines 29-45).

Regarding claim 12, wherein the index storing means also stores information for specifying a corresponding file store by associating groups (Janis: 5/lines 34-36),

wherein when information for specifying a predetermined file store is input from the keyword inputting means, the search query generating means generates a search query including information for specifying the file store, (Janis: col 4/lines 44-53, 59-63 and Siefert: col 4/lines 29-45).

wherein the searching means searches a corresponding index by matching ("collating") information stored in the index storing means for specifying a corresponding file store with

information included in a search query for specifying a file store (Siefert: col 4/lines 29-45, col 9/line 66-col 10/line 3 and col 10/line 48-54).

Regarding claim 13, wherein the search query generating means makes the logical sum of a search query for each file store an objective search query when a plurality of file stores are searched (Siefert: col 4/lines 29-45, col 9/line 66-col 10/line 3 and col 10/line 48-54).

Regarding claim 14, wherein the index storing means gives predetermined right information to all indexes so that a particular user can search for all files (Janis: col 4/lines 44-53, col 5/lines 46-53).

Regarding claim 15, wherein the search query generating means generates a search query not including the information indicating a user regarding a particular user (Siefert: Fig. 62 sum of search results, and col 10/lines 48-54 performed search generated search results as shown on Fig. 11).

Regarding claim 16, wherein when a new index is added, the index storing means stores an index access to right information for permitting all users to access given (Siefert: col 3/lines 57-60, col 21/lines 30-40, col 19/lines 30-36).

Regarding claim 17, wherein the index storing means gives a group of indexes access to an identifiable group (Janis; col 45/lines 46-col 8/line 2), further wherein when a identifiable group of indexes are searched, the search query generating means generates a search query not including the information indicating a user (Siefert: Fig. 62 sum of search results, and col 10/lines 48-54 performed search generated search results as shown on Fig. 11).

Regarding claim 18, this claim is the information processing method corresponding with the information processing apparatus discussed on claim 1, thereby, same rationale of rejection is applicable.

Regarding claim 19, this claim is the computer-readable record medium recording a computer program for the functions comprises by the apparatus of claim 1, thereby, same rationale of rejection is applicable.

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Pertinent Prior Art:

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinence is presented in accordance with MPEP§ 707.05.

US 5,819,092 (10-1998)

FERGUSON et. al. teaches where search engines generate a search query from a keyword input from a typical input device (e.g. keyboard) by which accepts keyword(s) input for searching files, including accepting access information specified (entered) by the user, and further including using an index having information of the files is used for search for the files, (e.g. keyword based index/search/retrieval method). Further teaching where files to be accessed are indexed by storing information about the files including hierarchal information (e.g. file/directory/volume entries) in a graphical tree structure and wherein a similar fashion information that specifies specific users or groups of users having right to access are stored.

US 5,680,614 (10-1997)

BAKUYA et. al. teaches an index in which information from the file and information indicating user's access privilege to the files is stored, wherein when the user enters a query search including keywords, the system searches said index to located the files that the user is authorized to access.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:
    Commissioner of Patents and Trademarks
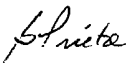   Washington, D.C. 20231

or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".

B. Prieto
TC 2100
Patent Examiner
July 15, 2004